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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,380

01/16/2004

Shinichi Karube

HGM-125-A

6718

21828

7590

10/10/2006

CARRIER BLACKMAN AND ASSOCIATES

24101 NOVI ROAD

SUITE 100

NOVI, MI 48375

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,380	KARUBE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frank Vanaman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 9-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-8, 18 is/are rejected.
- 7) ☐ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **Status of Application**

1. Applicant's amendment, filed July 18, 2006, has been entered in the application. Claims 1-18 are pending, with claim 18 being newly added. Claims 9-17 remain withdrawn from consideration as being directed to a non-elected invention.

### **Claim Rejections - 35 USC § 103**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4, 7, 8, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoru et al. (JP 03-109185, cited by applicant) in view of Nakamura (US 6,820,708). Satoru et al. teach a front cover portion (8, in general) which may be separately mounted to a 'saddle-type vehicle' (figure 1) and thus understood to consist of a kit if separate from the vehicle (i.e., as illustrated in figures 3, 4), being attachable to a body frame portion (11) of the vehicle (shown in combination therewith in figures 1, 2, 5, 6, etc.); having a portion (31) for enclosing a head light (33) at a front central portion thereof; having a central covering region (rearwardly of region 31) and left and right shroud portions (to the immediate left and right of 31, e.g., between the region defined at 31 and the regions defined at 12); the shroud portions connected to one another by the headlight portion and to the headlight (through the side elements, 33, 34, 43, 44, and 45; also through 47, 49, 57, etc.), the central covering region being connected to the shroud portions and additionally to the the headlight (e.g., through 33, 34, 43, 44, and 45, etc.); further including fenders (12) attached to the left and right of the respective left and right shroud portions; wherein the unit may be mounted as an assembly on the vehicle. The reference to Satoru et al. fails to teach the center cover and left and right shroud portions as being separate elements. Nakamura teaches that it is known to construct a vehicle front cover arrangement (figure 3) with plural elements being separate (131a, 135, 137, 138) and attachable to form a complete unit, including extensions of fender portions (e.g., 138). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the fender portions of the cover arrangement taught by Satoru et al. separate from the remainder of the cover

arrangement for the purpose of allowing easy interchange of parts, for example to repair minor damage without having to replace the entire cover.

While the reference to Nakamura fails to precisely teach the entire fender elements as being separate, in view of the substantial number of separate elements taught, and further in view of portions of fenders (e.g., 138) being taught to be separate, it would have been obvious to one of ordinary skill in the art at the time of the invention to make a greater portion of the fender separate for the purpose of allowing the cover elements to occupy a smaller space when being shipped or stored.

Similarly as regards the shroud portions, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the shroud portions of the cover arrangement taught by Satoru et al. from separate elements as suggested by Nakamura for the purpose of modularizing the assembly, allowing, for example, a user to purchase only the portions needed for repair, and for allowing shipment in a more compact configuration.

As further regards claim 1, the reference to Nakamura additionally teaches the use of a removable center cover section (142, figure 3) which may be removed whilst other portions of the cover remain connected to one another, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a movable center cover portion as taught by Nakamura for the purpose of allowing easy access to vehicle components located beneath the cover.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satoru et al. (cited above) in view of Nakamura and Kuji (US 6,622,666). The reference to Satoru et al. as modified by Nakamura is discussed above and fails to teach a center cover portion removable from the frame without a tool. Kuji teaches a cover element (12, 12a, 18) mounted to a vehicle frame (F, in general) having a center cover element (35) removable from the cover assembly (at 34) and, in turn, the frame, the removal not taught to include a tool (col. 4, lines 17-18; col. 5, lines 65-67, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the center cover portion as taught by Satoru et al. and modified by Nakamura removable

without the use of tools, as taught by Kuji, for the purpose of allowing faster access to mechanical portions of the vehicle located beneath the cover arrangement.

**Allowable Subject Matter**

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Response to Comments**

6. Applicant's comments filed with the amendment, have been carefully considered. As regards the reference to Satoru et al. as applied under 35 USC §102, the examiner agrees that the reference to Satoru et al. cannot anticipated the claims as they are now written. As regards the coupling of the side portions to the headlight (as associated with rejections either under §102 or §103) the examiner notes that these side portions are coupled to the headlight to the breadth recited, through the side portions, and at least elements 33, 34, 43, 44, and 45; also 47, 49, 57. As regards applicant's comments directed to the stays, the examiner agrees that the reference to Satoru et al. does not teach stay elements as recited. The examiner notes that applicant's definition of 'extending from' is not deemed unreasonable - note however that applicant refers to this definition as "implying" a certain relationship (page 11 of the remarks, line 3) then concluding that the recitation "explicitly" recites the definition (page 11, line 4) which is 'implied' by the term. The conclusion is not accurate. An accurate conclusion would be that the claim implicitly recites the definition, since the definition is *implied* but is not explicitly set forth, as applicant has positively asserted. As regards the reference to Nakamura, please note that the examiner refers to elements 138 as fender portions, which appears accurate inasmuch as these elements are admittedly not complete fenders. Note, however, in general that the reference to Nakamura teaches that the front cover may include a plurality of separate elements, including the fender portions (138), a generally central portion (135) a separate central cover (142) and a separate front portion (137). In view of the clear teaching that the cover is not made of a single piece, but rather a plurality of pieces, it is not deemed to be beyond the skill of the ordinary practitioner, especially in view of this teaching of plural pieces, to make the

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cover taught by Satoru et al. in a plurality of elements for the reasons set forth in the statements of rejection. Applicant's comments concerning the relative sizes of the components are noted, however this is a distinction which does not appear to be recited in the claims.

### Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



7/26/06